



# भारत का राजपत्र The Gazette of India

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सं. 25] नई दिल्ली, जून 14—जून 20, 2015, शनिवार/ज्येष्ठ 24—ज्येष्ठ 30, 1937  
No. 25] NEW DELHI, JUNE 14—JUNE 20, 2015, SATURDAY/JYAISTHA 24—JYAISTHA 30, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)  
नई दिल्ली, 18 जून, 2015

7. श्री विवेक चन्द्रशेखर  
9. सुश्री प्रेरणा सिंह

8. श्री गुंटूर प्रमोद कुमार  
10. श्री निखिल बोरवांकर

[फा० सं० 225/59/2014-एवीडी-II]

अजीत कुमार, अवर सचिव

**का.आ. 1223.**—सामान्य खंड अधिनियम, 1897 (1897 की अधिनियम सं० 10) की धारा 21 के साथ पठित दंड प्रक्रिया संहिता, 1973 (1974 के अधिनियम सं० 2) के खंड 24 के उपखंड (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिनांक 30.12.2011 की अधिसूचना सं० 225/17/2011-एवीडी-II (भाग-I) के तहत जारी 2जी स्पेक्ट्रम से संबंधित मुकदमों के अभियोजन से जुड़े विशेष अधिवक्ता से श्री यू. यू. ललित की सहायता हेतु विशेष लोक अभियोजक के रूप में नियुक्त निम्नलिखित अधिवक्ताओं की नियुक्तियों को खारिज करती है:—

- |                           |                        |
|---------------------------|------------------------|
| 1. श्री मेहुल शर्मा       | 2. श्री शुभांशु पाधी   |
| 3. श्री जेसल वाही         | 4. श्री कबीर शंकर बोस  |
| 5. श्री संग्राम सिंह सरोन | 6. श्री सिद्धेश कोटवाल |

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS**

**(Department of Personnel and Training)**

New Delhi, the 18th June, 2015

**S.O. 1223.**—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) r/w section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Central Government hereby cancels the appointment of following Advocates as Special Public Prosecutor to assist Shri U.U. Lalit, the then Special Counsel in conducting prosecution

of cases related to 2G Specturm, issued *vide* Notification No. 225/17/2011-AVD-II (Part-I) dated 20.12.2011:—

- |                             |                             |
|-----------------------------|-----------------------------|
| 1. Shri Mehul Sharma        | 2. Shri Shubhanshu Padhi    |
| 3. Shri Jesal Wahi          | 4. Shri Kabir Shankar Bose  |
| 5. Shri Sangram Singh Saron | 6. Shri Siddhesh Kotwal     |
| 7. Shri Vivek Chandrasekhar | 8. Shri Guntur Pramod Kumar |
| 9. Ms. Prerna Singh         | 10. Shri Nikhil Borwankar   |

[F.No. 225/59/2014-ADV-II]

AJIT KUMAR, Under Secy.

### वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 12 जून, 2015

**का.आ. 1224.**—बीमा विनियामक और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री नीलेश भास्कर साठे, सीईओ, एलआईसी नोमूरा म्यूचुअल फंड एसेट मैनेजमेंट कंपनी लिमिटेड को पद का कार्यभार ग्रहण करने की तारीख से 5 वर्ष की अवधि के लिए अथवा उनके 62 वर्ष की आयु प्राप्त कर लेने तक अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय बीमा विनियामक और विकास प्राधिकरण (आईआरडीएआई) में बिना आवास एवं कार की सुविधा के 3.75 लाख रुपए प्रतिमाह के समेकित वेतन पैकेज में पूर्णकालिक सदस्य (लाइफ) के रूप में नियुक्त करती है।

[फा० सं० आर-16011/01/2014-बीमा-I]

संजीव मोहंती, अवर सचिव

### MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 12th June, 2015

**S.O. 1224.**—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoints Shri Nilesh Bhaskar Sathe, CEO, LIC Nomura Mutual Fund Asset Management Company Limited as Whole-Time Member (Life) in the Insurance Regulatory and Development Authority of India (IRDAI) in the consolidated pay package of Rs. 3.75 lakh per month without facility of house and car, for a period of five years with effect from the date of assumption of charge of the post or till he attains the age of 62 years or until further orders, whichever is the earliest.

[F.No. R-16011/01/2014-Ins. I]

S. K. MOHANTY, Under Secy.

### विदेश मंत्रालय

(सी०पी०वी० प्रभाग)

नई दिल्ली, 9 जून, 2015

**का.आ. 1225.**—राजनयिक और कौंसुलीय अफसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री विवेका नन्द, सहायक को मई 2015 से भारत के कौंसुलावास, ब्यूनस आयर्स, सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं० टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

### MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 9th June, 2015

**S.O. 1225.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Viveka Nand, Assistant, in Embassy of India, Buenos Aires, to perform the duties of Assistant Consular Officer with effect from 9/6/2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy.(Consular)

### आयुष मंत्रालय

नई दिल्ली, 18 मई, 2015

**का.आ. 1226.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, आयुष मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 95.45 प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:—

1. “राष्ट्रीय भारतीय आयुर्विज्ञान संपदा संस्थान, हैदराबाद”
2. “राष्ट्रीय मौलिक आयुर्वेदिक विज्ञान अनुसंधान संस्थान, पुणे”

[सं० ई-11018/1/2013-आयुष (रा०भा०)]

कुंदन सिंह टंगणियां, संयुक्त निदेशक (रा०भा०)

### MINISTRY OF AYUSH

New Delhi, the 18th May, 2015

**S.O. 1226.**—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following offices under the administrative control of the Ministry of AYUSH, where

95.45% staff have acquired the working knowledge of Hindi:—

1. "National Institute of Indian Medical Heritage, Hyderabad"
2. "National Research Institute of Basic Ayurvedic Sciences, Pune"

[No. E-11018/1/2013-AYUSH (O.L.)]

KUNDAN SINGH TANGANIYA, Jt. Director (O.L.)

### रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 मई, 2015

**का.आ. 1227.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में दक्षिण रेलवे के तिरुवनंतपुरम मंडल कार्यालय, जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं० हिंदी-2015/रा०भा० 1/12/2]

के० पी० सत्यानंदन, निदेशक, राजभाषा

### MINISTRY OF RAILWAYS

(RAILWAY BOARD)

New Delhi, the 7th May, 2015

**S.O. 1227.**—Ministry of Railways (Railway Board), in pursuance of sub-rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the Trivendrum Division Office, Southern Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi-2015/O.L. 1/12/2]

K. P. SATHYANANDAN, Director (OL)

नई दिल्ली, 15 जून, 2015

**का.आ. 1228.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में मंडल रेल प्रबंधक, अहमदाबाद का कार्यालय, जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं० हिंदी-2015/रा०भा० 1/12/2]

के० पी० सत्यानंदन, निदेशक, राजभाषा

New Delhi, the 15th May, 2015

**S.O. 1228.**—Ministry of Railways (Railway Board), in pursuance of sub-rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official Purposes of the Union) hereby, notify the Division Railway Manager's office, Ahmedabad, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi-2015/O.L. 1/12/2]

K. P. SATHYANANDAN, Director (OL)

### राष्ट्रीय अभिलेखागार

नई दिल्ली, 18 जून, 2015

**का.आ. 1229.**—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में राष्ट्रीय अभिलेखागार के अंतर्गत आने वाले निम्नलिखित कार्यालय जिनमें 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

1. राष्ट्रीय अभिलेखागार क्षेत्रीय कार्यालय, सिविल लाईन्स, भोपाल
2. राष्ट्रीय अभिलेखागार अभिलेख केंद्र, 10ए झालाना संस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर

यह अधिसूचना राजपत्र में प्रकाशन की तिथि से प्रवृत्त होगी।

[फा. सं. 49-1/2015-हि०अ०]

श्रेया गुहा, अभिलेख, महानिदेशक

### NATIONAL ARCHIVES OF INDIA

New Delhi, the 18th June, 2015

**S.O. 1229.**—In pursuance of sub rule (4) of Rule 10 of the Official Language (Use for Official purpose of the Union) Rules, 1976, the Central Govt. hereby notifies following offices under National Archives of India wherein more than 80% Officers/Staff have acquired working knowledge of Hindi.

1. NAI Regional office, Civil Lines, Bhopal.
2. NAI Record Centre., 10-A Jhalana Institutional Area, Jhalana Doongri, Jaipur

This notification shall come into force from the date of publication in the Official Gazette.

[F.No. 49-1/2015-H.S.]

SREYA GUHA, Director General of Archives

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 15 जून, 2015

**का.आ. 1230.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

## अनुसूची

क्र० सं०	लाइसेंस सं०	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/अनुभाग) : वर्ष
1.	6500005396	20150513	मेसर्स एस० ए० ऐवी मल्टी पम्प्स प्राइवेट लिमिटेड 9/23, मेट्टुपालयम रोड, नरसिम्हानायकनपालयम, कोयम्बतूर - 641 031	निम्नजनीय पम्पसेट के लिए मोटर	IS 9283 : 2013
2.	6500005497	20150528	मेसर्स मेकला ज्वेलर्स दुकान सं० 11, पंचायत कॉम्प्लेक्स, गांधी प्रतिमा के सामने, गुडलूर - 643 212	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी—शुद्धता एवं मुहरांकन	IS 1417 : 1999

[सं० सी एम डी/13 : 11]

एस. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 15th June, 2015

**S.O. 1230.**—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

## SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/Sec. Year
1.	6500005396	20150513	M/s. S.A.Ivy Multi Pumps Private Limited 9/23, Mettupalayam Road, Narasimhanaicken Palayam, Coimbatore- 641031	Motors for Submersible Pumpsets	IS 9283 : 2013
2.	6500005497	20150528	M/s. Mekala Jewelers Shop No. 11, Panchayat Complex, Opp. To Gandhi Statue, Gudalur - 643 212	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and marking	IS 1417: 1999

[No. CMD/13: 11]

M. SADASIVAM, Scientist 'F' &amp; Head

नई दिल्ली, 15 जून, 2015

**का.आ. 1231.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियमन 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शाई गई तारीख से रद्द/स्थगित कर दिया गया है:—

**अनुसूची**

क्र०सं	लाइसेंस सं० सी एम/एल	लाइसेंसधारी का नाम व पता	स्थगित किए गए/रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द होने की तारीख
मई 2015 – शून्य				

[सं सीएमडी/13 : 13]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 15th June, 2015

**S.O. 1231.**—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

**SCHEDULE**

Sl. No.	Licence No. CML-	Name and Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence cancelled/suspension	Date of Cancellation
MAY 2015 - NIL				

[No. CMD/13:13]

M. SADASIVAM, Scientist 'F' &amp; Head

**प्रवासी भारतीय कार्य मंत्रालय**

नई दिल्ली, 11 जून, 2015

**का.आ. 1232.**—कार्मिक एवं प्रशिक्षण विभाग की सम्प्रेषण संख्या 36/01/2015-ई.ओ. (एसएम-1) दिनांक 02.06.2015 के तहत अंतर्राज्य परिषद सचिवालय में स्थानांतरण होने के परिणामस्वरूप, श्री सुनील सोनी, भा०प्र०से० (महाराष्ट्र: 1981) को दिनांक 08.06.2015 के अपराह्न से प्रवासी भारतीय कार्य मंत्रालय में सचिव के पद के कार्यभार से कार्यमुक्त किया जाता है।

[सं ए-19011/07/2014-पीए]

क्षितिज मोहन, उप सचिव

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**

New Delhi, the 11th June, 2015

**S.O. 1232.**—Consequent upon his transfer to the Inter State Council Secretariat as Secretary vide Department of Personnel & Training's Communication No. 36/01/2015-EO (SM-1) dt. 2nd June, 2015, Sh. Sunil Soni, IAS (MH: 1981) has relinquished charge of the post of Secretary, Ministry of Overseas Indian Affairs with effect from the afternoon of 08.06.2015.

[No. A-19011/07/2014-PA]

KSHITIJ MOHAN, Dy. Secy.

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 12 जून, 2015

**का.आ. 1233.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद. 2 के पंचाट (191/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.06.2015 को प्राप्त हुआ था।

[सं एल-12011/50/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 12th June, 2015

**S.O. 1233.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 191/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. 2, Dhanbad as shown in the Annexure, in the Industrial dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 12/06/2015.

[No. L-12011/50/2013-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****PRESENT**

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

**REFERENCE No. 191 OF 2013**

**PARTIES :** The Regional Secretary,  
Bank of Maharashtra Sena,  
10, Kiran Sarkar Roy Road, Kolkata-1

Vs.

The Regional Manager  
Bank of Maharashtra, Regional Office,  
3, N.S. Road, Kolkata-1

Order No. L-12011/50/2013-IR(B-II) dt. 08.08.2013

**APPEARANCES:**

On behalf of the workman/Union : Mr. P.K. Chakraborty,  
Union Representative

On behalf of the Management : Mr. R.N. Chatterjee  
Ld. Advocate

State : West Bengal Industry : Banking

Dated, Dhanbad, the 13th May, 2015

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/50/2013-IR(B-II) dt. 08.08.2013.

**SCHEDULE**

"Whether the workmen Sri Sarwan Kumar and Pankaj Kumar Deo who have been working as part time sweeper equivalent to 1/2 wages of the permanent sub staff for more than 7 years in the Bank of Maharashtra are entitled for their promotion to the post of permanent full time sub Staff or not? What relief they are entitled for?"

2. Neither any Representative for the Bank of Maharashtra Karmchari Sena, Kolkata, nor any of the two workmen Sarvan Kumar and Pankaj Kumar Deo appeared nor any written claim of their statement with any documents filed on their behalf just as none appeared for the OP/Management of the Regional Manager, Bank of Maharashtra Regional Office, Kolkata.

On perusal of the case of record, it appears that despite three Regd. Notices dt. 3.2.14, 11.6.14 and 24.09.14 having

been issued to both the parties, with a special direction for filing of the written statement by the workmen, neither of the parties mostly responded to the notices except the appearance of Mr. P.K. Chakraborty, the Union Leader and Mr. R.N. Chatterjee, Ld. Advocate for the OP/Management on 4.3.14 and 28.4.14 respectively. But the Union Representative as well as both workmen by their negligent conducts appear to be quite reluctant in pursuing the case for its final adjudication. Under these circumstances, it seems no longer an Industrial Dispute. Hence the case is closed as No Industrial Dispute existent. Accordingly, it is passed 'No Dispute Award.'

KISHORI RAM, Presiding Officer

नई दिल्ली, 12 जून, 2015

**का.आ. 1234.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ़ बैडोदा के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद 2 के पंचाट (71/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.06.2015 को प्राप्त हुआ था।

[सं एल-12011/101/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 12th June, 2015

**S.O. 1234.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 71/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. 2, Dhanbad as shown in the Annexure, in the Industrial dispute between the the management of the Bank of Baroda and their workmen, received by the Central Government on 12/06/2015.

[No. L-12011/101/2007-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****Present :**

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

**REFERENCE NO. 71 OF 2007**

**Parties :** The General Secretary,  
Bihar State Bank of Baroda,  
Employees Association,  
Fraser Road, Patna.

Vs.

The Asstt. Gen. Manager,  
Bank of Baroda, Bihar,  
Jharkhand & Orissa Zone,  
4th Floor, Anand Vihar,  
West Boring Canal Road,  
Patna (Bihar)-1.

Order No. L-12011/101/2007-IR(B-II) dt. 11.12.2007

#### APPEARANCES:

On behalf of the workman/Union : Mr. Vinod Prasad,  
Workman himself

On behalf of the Management : Mr. A.A. Sinha,  
Manager (HRA)  
Management  
Representative

State : Bihar Industry : Banking

Dated, Dhanbad, the 10th April, 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-12011/101/2007-IR(B-II) dt. 11.12.2007.

#### SCHEDULE

"Whether the quantum of punishment imposed by the Management of Bank of Baroda, Regional Office, Patna in lowering down 5 increments in respect of Dr. Vinod Prasad, Special Assistant in the decision making process is appropriate and justified? If not, what relief Dr. Prasad is entitled to?"

On receipt of the Order No. L-12011/101/2007-IR(B-II) dt. 11.12.2007 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 71 of 2007 was registered on 11.12.2007 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Representative accordingly for the Union concerned respectively, and contested the case.

2. The case of sponsoring Bihar State Bank of Baroda Employee Association for workman Dr. Vinod Prasad is that he is also the Dy. Secretary of the Union, District

General Secretary of All India Bank Employee Association (AIBE), and the Convener of United Forum of Bank Union and Financial Sector, Muzaffarpur District. The Management of Bank of Baroda was biasedly against him for his Association activities, for which he was harassed with his frequent transfers by the Management such as from Muzaffarpur to Mohammadpur, then to Righa, and to Ehiyapur Branch in May, 2003, Feb. and Dec., 2005 respectively, though Paharpur Branch near Muzaffarpur had the vacancy for the Special Assistant in May, 2003. The workman had joined in clerical cadre in the Bank on 09.11.1978 at Sitamarhi Branch.

On 24.01.2005 Branch Manager Birendra Prasad has marked the absence of Mr. Ajay Kumar Sah for his late arrival on his duty with the key of the cash in absence of regular Head Cashier Hari Narain who was to resume his duty on the same date after expiry of his leave at Mohammadpur Branch of the Bank. It had resulted in the some delay in its cash transaction, as the Branch was opened at 10.00 a.m. as usual. There was the altercation and an incident of manhandling by the Branch Manager. The Branch Manager had also marked the absence of the workman for his late arrival on that date, though the workman as the Spokesman of the Union wanted to pacify the matter, the Branch Manager was too adamant to listen anything. On the complaint by S/Shri Hari Narain, Ajay Kumar Sah and others including the workman and customers, the incident was investigated by Mr. Arun Kumar, the Officer (HRM) as per the instruction of Assistant Manager, Regional Office. But Mr. Arun Kumar submitted his report more favorable towards the Branch Manager, alleging about the workman as offensive and abusive, though possibility of counter shouting by the Branch Manager not ruled out. The Regional Office did not get the matter properly enquired into the aforesaid complaint.

3. Further it is alleged that the Bank transferred the workman from Mohammadpur to Righa Branch by way of punishment. The Regional Manager out of his partisan attitude towards the Branch Manager discriminately but biasedly issued the workman the charge sheet of six vague charges dt. 27.04.2005 after a long time of his transfer, but not to the Branch Manager for his unruly and ugly behaviour towards Mr. A.K. Sah, resulting the disruption of the banking business. On receipt of the charge sheet (to be replied in three days), the workman submitted his reply to it as per his letter dt. 31.05.2005 to Mr. Prabhat Agrawal, the Asstt. General Manager and Disciplinary Authority of the Bank, Bihar Region, Patna. Prior to the receipt of the workman's reply, the Bank Management had historically firstly had appointed the Scale IV Officer as the Enquiry Officer to hold the departmental enquiry and the Sr. Manager (H.R.M.) of the Regional Office as a witness as evident from the charge sheet itself. The allegation of the riotous, indecent and disorderly behaviour against the workman in view of the static police party regularly posted during the

office hours in the Bank premises is baseless. The domestic enquiry was held against the principle of natural justice, as no opportunity was given to the workman for his defence even by way of cross-examining the persecution witnesses and by refusing to examine defence witness. The charges were fabricated by the Bank Management for his late coming on 24.02.2005 just only for inflicting more than one punishment. The enquiry report of the Enquiry Officer is perverse, as none of the five charges was proved against the workman, though the matter of availing his privilege leave was irrelevantly represented, rather it revealed the ugly threatening behaviour of the Branch Management towards Mr. A.K. Sah at the relevant time. Even without the proof of any of the charges, the Management awarded the workman with the stoppage of his five increments contrary to the Bipartite Settlement as per the Order dt. 21.03.2006 of the Disciplinary Authority. Even the appeal filed by the workman against it before the Appellate Authority on 28.05.2006 was also unreasonably dismissed by an cryptic order upholding the aforesaid punishment of the workman against the settled principle of law. The Association as per their letter dt. 17.10.2006 under Regd. A.D. had represented before the Bank Management about the penalty for lowering five increments in the pay scale of the workman for a single misconduct as per Para 19.9 of the Bipartite Settlement, but it was unconsidered. The infliction of aforesaid punishment upon the workman was too hard and disproportionate to the charges levelled against him. It is alleged that the action of the OP/Management in imposing the punishment of lowering down five increments upon the workman was not justified, so the workman is entitled to payment of his five increments back with all benefits.

The workman as the Association Representative in his rejoinder has specifically denied all the allegations of the OP/Management.

4. Whereas the contra case of the OP/Management is that the reference in its term itself is vague. However, it biasedly relates only to the punishment of lowering down five increments regarding the concerned employee Dr. Vinod Prasad, so only quantum of punishment needs to be decided only in exercise of powers conferred under Sec. 11 A of the Industrial dispute Act., 1947. While the employee was posted at Mohammadpur Branch, Distt: Muzaffarpur on 24.01.2005, when the Branch Manager concerned marked his absence for his late coming as other's one as well, the employee abused the Branch Manager, using derogatory and filthy language and threatened him of dire consequence in presence of the customers watching the commotion in the Branch premises. When the Branch Manager tried to inform the Regional Office of it through the Telephone, the workman snatched and threw it away on his table, and left the cabin. After a while, the workman returned and assaulted the Branch Manager by throttling him, continuously abused, and threatened him as such:

'You have abused Ajay Kumar Sah, and pushed out!  
I shall ruin you by assaulting! You do not know me;  
I shall ruin you by beating!'

Besides, the workman committed misconduct of other facts also. The Branch Manager informed of the incident in details. A preliminary investigation into the incident was conducted at Mohammadpur Branch. The report dt. 31.01.2005 was submitted to the Asstt. General Manager, Bank of Baroda, Regional Office, Patna, after thorough enquiry and the examination of witnesses. The charge sheet dt. 24.07.2005 based on the preliminary investigation report was issued to the workman for his misconducts:

- (i) Irregular and unpunctual in attendance;
- (ii) Absence frequently without leave application and sufficient ground;
- (iii) Failure to show proper consideration and courtesy towards Branch Manager;
- (iv) Behaviour in riotous, violent, indecent and disorderly manner in the premises of the Bank;
- (v) Willfully disobedience to lawful and reasonable order of Superior;
- (vi) Commission of the acts prejudicial and detrimental to the interest of the Bank;

Under Para 7(a) (b) (j) and 5(c) (e) & (j) of the Bipartite Settlement dt. 10.04.2002 respectively.

5. The charges were alleged to be very serious directly affecting the discipline, reputation etc. of the Bank. The Chief Manager of S.K. Puri Branch, Patna, was appointed as the Enquiry Officer. The enquiry commenced. The workman submitted his explanation dt. 31.05.2005 to the Asstt. General Manager and Disciplinary Authority, Bihar Region, Bank of Baroda, Patna, alleging counter allegation against the Branch Manager and about his transfer as harassment by the Management out of their hatched plan on account of his being a trade union activist. The workman with his authorized representative colleague of Patna Main Branch participated in the enquiry. He was given full opportunity for his defence in accordance with the principles of natural justice. The Enquiry Officer M.S. Dahiya submitted his enquiry report dt. 28.02.2006 with their relevant documents to the Disciplinary Authority, having found all the charges proved. On sending a copy of the enquiry report to the workman, he submitted his comment dt. 16.03.2006 on the findings of the Enquiry Officer. The Disciplinary Authority issued the workman the Second Show Cause Notice dt. 21.03.2006 for proposed punishment of bringing down five stages in his pay scale with cumulative effect. After hearing the workman in person at the point, the Disciplinary Authority on consideration of all the facts and circumstances awarded him with punishment of warning for the first three charges

respectively, and punishment of lowering down two stages for 4th and 6th charges and one stage in his pay scale for 5th charge respectively. All the punishments would concurrently run with cumulative effect. The appeal filed by the workman against the punishment was also refused by the Appellate Authority to interfere with the order of the Disciplinary authority. Then the dispute was raised and referred to the Tribunal for an adjudication.

The OP/Management in their simultaneous rejoinder has categorically denied all the allegations of the workman as incorrect, further alleging that the transfer of the workman in administrative necessity and in the interest of the Bank, but not by way of punishment. So the workman is not entitled to any relief.

### FINDINGS WITH REASONS

6. At the preliminary point, the workman as per his petition dt. 19.07.2013 has accepted the domestic enquiry as fair and proper, accordingly the Tribunal as per order No. 29 dt. 24.01.2014 held the domestic enquiry as fair, proper and in accordance with the principle of natural justice. Thereafter, the photocopies of the relevant documents of both the parties, namely, the workman and the OP/Management on their consensus have been marked as Extt. W.1 to 4 and as Extt. M.1 to 6 (on formal proof waived) for proper appreciation. As a result of which, it came up for hearing the final arguments of both the parties on merits.

Workman Dr. Binod Prasad as per his written argument has tried his best to impress upon the Tribunal with the facts of his frequent transfer over biasedly by the Management as punitive, the enquiry proceeding contrary to the rule of natural justice, and illegal over punishment in lowering down five stages in his pay scale. But in view of the nature of the instant Reference, I find it directly relates to the quantum of punishment imposed upon the workman for his alleged misconduct. So it is taken up for consideration. According to the workman, as per clause 9.9 of the 1st Bipartite Settlement dt. 19.10.1996 (hereinafter referred to as BPS) a workman found guilty of misconduct whether gross/minor shall not be given more than one punishment in respect of one charge. Its clause 6(C) also lays down that an employee found guilty of gross misconduct may be brought down in lowering scale in the Scale of Pay upto maximum of two stages, but the workman having leading role in Bank of Baroda, other Banks and Financial Sectors also was biasedly punished, firstly by transfer from Mohammadpur to Righa Branch, then to Ehiyapur Rural Branch, and secondly, lowering down five increments in his pay scale by the Disciplinary Authority as per order dt. 31.03.2006. The punishment order alleged to have run concurrently is also a confirmation of lower down of maximum two increments only. It is quite illegal and unjustified.

7. Just contrary to it, Mr. Akhouri Ashutosh Sinha, Manager (H.R.) as the Representative for the O.P./ Management of Bank of Baroda has mainly contended that workman Dr. Vinod Kumar, the Special Assistant, Bank of Baroda, Main Branch, Muzaffarpur District, as per his written application on 19.07.2013 in the reference has obviously accepted the conducting enquiry in a just and fair manner. In view of the serious nature of the offences/ misconducts committed by the workman, he was punished with "warnings" for first three proved charges/minor misconducts under clause 7(a), (b) and (j) and with lowering down in his pay scale by two stages with cumulative effect each for other major charges/gross misconducts under clause 5(c), (e) and (j) respectively of the Bipartite Settlement dt. 10.04.2002 which were quite proportionate to the nature of the aforesaid offences committed by the workman; as the workman is not entitled to any relief.

8. On perusal and due consideration of the materials available on case record, it undoubtedly reveals that three hand written applications all dt. 24.01.2005 as complaints were lodged by Mr. Birendra Prasad, the Branch Manager with the AGM, Bank of Baroda, Regional Office, concerning the alleged occurrence on the said date 9DE-1(a), 7(a) to (b). It appears the preliminary investigation into it merely on instruction was conducted on 27.01.2005 by Arun Kumar, the Officer (HRM) who had submitted his investigation report on 31.01.2005 (Ext.M.9) (a)-(d). It is also crystal clear that instant workman Dr. Vinod Prasad, the Spl. Assistant, Bank of Baroda at Righa Branch, Sitamarchi was issued the chargesheet dt. 27.04.2005 (Ext.M.1) for his alleged minor as well as major misconducts under clauses 7(a) (b) (j) and 5(c), (e) and (j) of the Bipartite Settlement (Supplementary) dt. 10.04.2002 respectively in respect of the alleged occurrence to have taken place on 24.01.2005 at about 11.20 at Mohammadpur Branch, Distt: Muzaffarpur where the workman was posted. The Chargesheet was to be responded by the workman in three days only. The initiation of the Enquiry against the workman on the same date of the chargesheet appears to have started by appointing Mr. M.S. Dahiya, the Chief Manager, S.K. Puri Branch, Patna, and Mr. Brajesh Kumar Singh, Manager (Plans), Regional Office, Patna as the Enquiry Officer and the Presenting Officer respectively as per order dt. 27.04.2005 of the AGM/ Disciplinary Authority (Ext. M.2 series) at the relevant time.

On the departmental enquiry, the Enquiry Officer concerned submitted his Enquiry Report dt. 28.02.2006 9Ext. M.5 in 23 sheets) along with the enquiry proceeding and the order sheets (Ext. M.3 & 4 series respectively), holding all the charges as per the five allegations in the chargesheet having been proved against the workman. Upon the order dt. 28.02.2006 of the A.G.M. D.S. Mishra, the Disciplinary Authority to the workman for his comments within seven days, the workman submitted his response on 16.03.2006

on the findings of the enquiry that he was not given the reasonable opportunity in the enquiry proceedings. After due consideration of the enquiry report and all the facts on the records of the enquiry, the Disciplinary Authority as per order dt. 21.03.2006 (Ext. M.6) in consonance with the findings of the Enquiry Officer proposed for the punishment of warning for the first three minor charges and that of lowering down in his pay scale by two stages, one stage and two stages each with commutative effect for the major misconducts towards the workman respectively. Accordingly, the Disciplinary Authority as per order dt. 31.03.2006 (Ext. M. 6/1) inflicted upon the workman the aforesaid punishment for their aforesaid minor and major misconducts. Thereafter even the DGM/Appellate Authority as per his order dt. 30.08.2006 (Ext. M.6/2) upheld the punishment of the workman as held by the Disciplinary Authority for his aforesaid alleged minor and major misconducts concerned.

9. In view of all the aforesaid facts, the emergent important issues need to be determined for proper adjudication in the reference as it stands before me:

- (i) Whether the charges of six misconducts have been legally sustainable and proved against the workman; and
- (ii) Whether the quantum of punishment to the workman for his alleged misconducts is factually and legally maintainable.

As to the first issue, on perusal of the materials on the case record, I find that three letters of complaint of Mr. Birendra Prasad, the Branch Manager concerned mainly involve the allegations of the unpunctuality, threat to assault, use of filthy language, and misbehaviour of the workman towards the Branch Manager on 24.01.2005 at 11.20 a.m. in the premises of Mohammadpur Branch, Dist. Muzaffarpur. But the chargesheet as well as the preliminary investigation appears to be based partially on a few relevant facts and partially on facts irrelevant or assumed. Then in such situation, it is a serious defect in the charge which cannot be sustained in Law as held in the case of Calcutta Dock Labour Board Vs. Jaffar Iman, AIR 1966 SC 282 : 1966 SCC 211. The instant chargesheet does not appear to properly mention any of the alleged misconducts while advertg to a particular set of facts. It is no answer to say that the matter comes within another type of enumerated misconduct. Where wrong misconduct is quoted in respect of set of facts, it has been held the charge is defective as held in the of M.L.L. Kumar Vs. Divisional Manager, 1989 (59) FLR 597 (APHC). The chargesheet also suffers from non production or even a correct reproduction in substance of the abusive or disgraceful language as inevitable so as to enable arriving at conclusions as to whether such words were abusive, disgraceful or insulting or not. In the instant

case, neither the complaint nor the chargesheet specifies as an "insubordination" on the part of the delinquent on the date of alleged occurrence. Since the charges dealt with under total five paras has been *prima facie* jumbled or categorized under first three minor and last three major total six misconducts followed by a plain summary of defined misconducts towards the workman, it undoubtedly appears to be quite vague and ambiguous. Accordingly it stands vivid that the entire enquiry proceeding against the delinquent seems to have blindly headed into the blind alley. It appears to be vindictive, prejudice and *malafide* towards the workman. So none of the six charges is legally sustainable or proved.

10. So far as the second issue over the quantum of punishment is concerned, when not a single charge of any of alleged six misconducts stood proved, no question of punishment or its quantum towards the workman arises. It is quite liable to be set aside in eye of the law.

11. In result, it is, in the terms of the reference, responded and accordingly awarded that the quantum of punishment as imposed by the O.P./Management of Bank of Baroda, Regional Office, Patna, by lowering down five increments in respect of workman Dr. Vinod Prasad, Special Assistant, in lack of any proof in respect of the three major charges under clause 5(c), (e) & (j) of the Bipartite Settlement concerned is absolutely not only inappropriate and unjustified but also quite illegal as also concerning minor charges. Hence the workman Dr. Vinod Prasad is entitled to all of his five increments with all his financial benefits for the relevant period of his service tenure. The OP/Management is directed to implement the Award within a month from the date of its receipt following its publication by Government of India in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 12 जून, 2015

**का.आ. 1235.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ सं. 40/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 12/06/2015 को प्राप्त हुआ था।

[सं. एल-12012/119/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 12th June, 2015

**S.O. 1235.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between

the management of Punjab National Bank and their workmen, received by the Central Government on 12/06/2015.

[No. L-12012/119/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

#### Present :

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

#### REFERENCE NO. 40 OF 2012

#### Parties :

Sri Jai Prakash, SWO-A,  
Punjab National Bank,  
Sarua Bazaar, Branch, Barachatti, Gaya.

Vs.

The Zonal Manager,  
Punjab National Bank, Circle Office.  
At A.P. Colony, Gaya, Bihar

Order No. L-12012/119/2011-IR(B-II) dt. 22.06.2012.

#### APPEARANCES:

On behalf of the workman/Union : Mr. Jai Prakash,  
workman himself

On behalf on the Management : Mr. Narayan Biruli,  
as Management  
Representative

State : Bihar Industry : Banking

Dated, Dhanbad, the 11th March, 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-12012/119/2011-IR(B-II) dt. 22.06.2012.

#### SCHEDULE

"Whether the action of the Management of Punjab National Bank, Gaya erroneous in imposing a minor penalty of warning upon Shri Jai Prakash for a very loose minor misconduct, if any without holding any proper enquiry and on the basis of a letter of apology only and without any proper acceptance of guilt for which he was charged with? If so, what remedy lies to the workman."

On receipt of the Order No. L-12012/119/2011-IR(B-II) dt. 22.06.2012 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 40 of 2012 was registered on 09.07.2012 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Workman himself and the O.P./Management through their Representative appeared respectively, and contested the case.

2. The case of workman Jai Prakash as represented in his written statement is that he was suspended with immediate effect as per order dt. 21.7.2010 of the Incumbent Incharge, Tekari Road, Gaya (Annex.-1) for his gross misconduct of disobedience, nuisance and commotion under clause 5(e) of the Bipartite settlement dt. 10.04.2002 during the working hours in the Branch Office. Thereafter he was issued the charge sheet dt. 28.08.2010 (Annex. 2) by the Chief Manager as the Disciplinary Authority for his gross misconduct for aforesaid allegations of disobedience, misbehaviour, nuisance and commotion under clause 19.5(c) and 19.5(e) of the aforesaid Bipartite Settlement. In response to it, the workman as per advice/pressure of the Management replied/made the statement as per the reply dt. 27.08.2010 (Annex.-3) of his defence that he was in tension at the time and 'if his respected Superiors felt any disregard, he sought apologies for the same, assuring never to repeat the same in future'. Meanwhile, the Competent Authority on review of the matter revoked his suspension as per the letter dt. 01.09.2010 (Annex-4), taking a decision to utilize his service at B.O. Srawan Bazar. Distt; Gaya. Without holding an enquiry into the charge, the Disciplinary authority passed the final Order dt. 01.12.2010 (Annex. 5) by misconstruing his reply apology as his admission of the mistake, holding him guilty of the charges of the gross misconduct under the clause 5(c) and 5(e) of the aforesaid Bipartite Settlement, and accordingly inflicted upon him the punishment of "warned or censored" as per the clause 6(h) of the Bipartite Settlement. Against it, he preferred an appeal dt. 15.12.2010 (Annex.-6) before the Appellate Authority on the basis of the fact that there was no such incident except it during his last 18 years' service career. On consideration of the entire issue and records of the case, the Appellate Authority as per the Order dt. 23.12.2012 (Annexure 7) imposed a minor penalty of warning upon the appellant/workman under clause 8(a) of the Settlement, but no pay and allowance other than the subsistence allowance already paid to him during his

suspension period. The issuance of the chargesheet under clause 5(c) and 5(e) of the Bipartite Settlement as contrasted with the charge firstly proposed under clause 5(e) of the said settlement only shows the *malafide* and biased intention of the disciplinary authority just as the Appellate Authority dealt with the workman, by depriving him of his pay and allowance as a major punishment to him for minor penalty of warning under clause 8(a) of the said settlement regarding his misconduct due to his tension (mental), though the workman had never accepted the incident as alleged, the acceptance must be in legal admissible form. Even the Appellate Authority did not consider the irreparable loss to the workman had suffered his promotion in the office kept in the sealed cover and secondly withholding of his salary of suspension period as well as his transfer about 45 Kms. away from the Branch where he was posted before the chargesheet. All those happened during his suspension period. There was the unfair labour practice of the OP/Management towards the workman by adding of one charge. The charges two major and two minor as in the chargesheet were vague. Thus the action of the Management in imposing a minor penalty of warning upon the workman for a minor misconduct based on alleged apology is wrong illegal and unjustified.

3. The applicant/workman in his rejoinder dt. 4.4.2013 has specifically denied all the allegations of the OP/Management, further alleging that an aggrieved employee/workman can raise the dispute in individual capacity under Sec. 25 of the I.D. Act. Sec. 25 T prohibits unfair labour practices by employer or workman or a trade union. Its violation is punishable u/s 25 U of the I.D. Act. Raising a preliminary objection to the reference already referred u/s 10 2(A) of the I.D. Act, 1947 is entirely unlawful.

4. Whereas the contra case of the OP/Management is that the dispute raised by Sri Jai Prakash has not been validly espoused. Since it does not relate to discharge, dismissal or otherwise termination of his service under Sec. 2A of the Industrial Dispute Act, 1947, the dispute raised by the workman in his individual capacity can not be termed as Industrial Dispute u/s 2(k) of the said Act.

Shri Jai Prakash was appointed as the clerk in the Bank on 06.01.1992, and was posted at Regional Office, Gaya B. The records reveal that he was served with the Memo on 16.09.1992 for his irregularities in the dispatch Section of the Regional Office; on 03.12.1993, the In-charge concerned of Dispatch Section just as Shri Rajesh Singh, the Officer as well had complained against the workman for use of unparliamentary language; likewise Shri Vishal Chand, the Officer had complained on 04.11.2003 about his harsh and rough behaviour. The workman was reprimanded and counselled by the Authorities for improvement of his behaviour. Besides his salary for two days for Jan. 1 and 2, 2009 was deducted on 'No work no pay' basis. He was redesignated as the Computer Operator Category A on

17.08.2009, and later on, his designation was changed as the Single Window Operator as per provision of the Settlement dt. 01.04.2010. He was transferred to B.O.: Tekari Road, Gaya on 17.06.2010. on 27.07.2010 at the start of the Banking business hours, the workman in course of his working indulged in disobedience, created nuisance, and commotion in the Branch. After looking into his misbehaviour and taking due permission from the Competent Authority, the Chief Manager of the Circle Officer, the workman was suspended by the Incumbent In-charge, BO: Tekari Road, Gaya, as per the letter (Annexure 1). He was served with the charge sheet dt. 27.08.2010 by the Disciplinary Authority/the Chief Manager, Circle Office, Gaya, for the charges of his disorderly or indecent behaviour on the premises of the Bank, and his disobedience of lawful and reasonable order of the Superior under the Clauses 19.5(c) and (e) respectively, advising to reply in 15 days (Annexure-II). The workman submitted his reply dt. 27.08.2010 in Hindi, stating his mental status of perplexity and harassment due to which if any disrespect to the said Officers/Superior caused by him at that moment, he sought an apology for it with assurance not to repeat it (Annex-III). He had again sought apology for the Manager concerned for it with a request for revocation of his suspension, and for his transfer anywhere in the Circle as per his letter dt. 01.09.2010 (Annex. IV). In result, the Disciplinary Authority as per his letter dt. 01.09.2010 revoked the workman suspension, deciding to transfer and post him at the BO: Sarwan or Sharma Bazar. On consideration of the facts and circumstances of the case including the reply of the workman, the Disciplinary Authority as per his order dt. 01.12.2010 found him guilty of the charges levelled against him, and imposed upon him the punishment of warning. Against it, the workman filed an Appeal before the Appellate Authority/Asstt. General Manager (Annex. V). The Appellate Authority after giving the workman full opportunity heard him in person on 23.12.2010, in course of which he accepted the incident as alleged in the chargesheet attributed to his mental state out of tension. Considering the entire issue and records of the case, in order to mete out proper justice with penalty of warning under clause 8(a) of the aforesaid Bipartite Settlement, the Appellate Authority inflicted upon him with the penalty of warning, directing not to pay him any pay and allowance other than subsistence allowance already paid to him during his suspension period.

5. The OP/Management in their simultaneous rejoinder has Para-wise denied all the allegations of the workman as wrong or misconceived, further justifying the order of the Appellate authority in consonance with the provisions of the aforesaid Bipartite Settlement. The admission of the workman in the Appeal to have not committed any mistake/disobedience willing meant his mistake undeliberate. The entire process was carried out as per the provisions under Para 12(e) of the aforesaid Bipartite Settlement related to a

Show-Cause Notice to the employee with a punishment for his misconduct, a voluntary admission of his guilty in his reply to Show-Cause, and no intention of the Bank to award with penalty of discharge or dismissal. The decision of punishment was based on the admission of his guilt/misconduct by the workman in his reply, so there was no need of any enquiry as referred to under clause 10 and 12 (a) of the Bipartite Settlement. The Workman's case was kept under the sealed cover for selection from Clerical cadre to Officer Cadre as per guidelines of the Bank, as the Disciplinary Authority had passed the order against him for gross misconduct. Thus; and workman deserves not any relief as prayed.

### FINDING WITH REASONS

6. In the instant Reference, WWI Jai Prakash, the workman for himself and MWI Waris Minz, the Sr. Manager for the OP/Management have been examined respectively.

Workman Jai Prakash has himself argued that he was suspended for a gross misconduct under clause 5 (e) of the Bipartite Settlement. dt. 10.04.2002 (hereinafter referred to as BPS) as per the Order of the Incumbent Incharge (Ext. W.1); therefore he was issued the chargesheet dt. 27.08.2010 (Ext. W.2) for his gross misconduct under clause 19.5 (c) and 19.5. (e) of the said Settlement for four misconducts: disobedience, misbehaviour-two major charges, and nuisance and commotion-two minor ones as per the Bipartite Settlement dt. 10.04.2002, but the settlement does not refer to 'commotion', the final charge sheet dt. 27.08.2010 was entirely vague, as it does not mention how the workman misbehaved with any senior and how created nuisance at what time during working hours of the Bank. Further emphatically submitted on his behalf is that there was no enquiry proceeding in his case, though he had humbly apologized for a disregard if any, (Ext. W.3) yet his apology letter cannot be treated as his acceptance of a guilt by him, as also admitted by MWI Waris Minz in his para 6; even without proof of any misconduct, he was punished firstly by the Disciplinary Authority with "warned and censored" under clause 6 (h) of the BPS for gross misconduct as per the final order dt. 01.12.2010 (Ext. W.5), then with a minor penalty of warning as per the order dt. 23.12.2010 of the Appellate Authority (Ext. W. 7); moreover, all the factors: awarding him with penalty of warning for unproved charges, debarring him from appearing at the Junior Management Grade Scale I (J.M.G.S.I.) for two years on that score, though his result of the JMGS I kept in the cover not to disclose to him, non-payment of his salary for that period on the false charges, and lastly his transfer from Gaya to Shram Bazar Branch of the Bank 45 Kms. away at that time clearly indicate not free from unfair and prejudice of the OP/Management towards the workman; as such the workman claimed for the payment of his full wages and allowance depriving him of his salary and

allowance (Ext. W. 7) at his Appeal (Ext. W. 6) with other privileges during that period of his suspension.

7. In contrary to it, Mr. Narayan Biruli, the Sr. Manager as the Management Representative has contended stressedly that the workman has all along been admitting his guilt in his reply dt. 27.08.2010 (Ext. W. 3) as also substantiated by his letter dt. 01.09.2010 to the Chief Manager for revocation of his suspension (Ext. M. 1) as accepted in his cross examination as well; apart from his apology, in his aforesaid petition, he had also requested for revocation of his suspension and for his transfer to anywhere in the circle. Mr. Biruli has further submitted that MWI Waris Minz, Sr. Manager, PNB Circle Office, Muzzaferpur has clearly substantiated the imposition of minor penalty of warning upon the workman under clause 12(e) of the aforesaid Bipartite Settlement for his misconducted of misbehaviour without holding any enquiry on acceptance of his own guilt, and the non-appearance of the workman in the interview/requisite examination for the post of Special Assistant and Office for his own reasons even after expiry of his one year debarring for his promotion, so the action of the Management according to the rules of the Bipartite Settlement is quite legal and justified.

8. On the perusal and consideration of the materials as made available by both the parties on the case record, it appears to be beyond any dispute that the chargesheet dt. 27.08.2010 (Ext. W. 2) was wrongly issued to the workman for his gross misconduct in terms of clause 19.5(c) & 19.5(e) of the Bipartite Settlement dt. 10.04.2002 (Supple. one to the 7th Bipartite Settlement) which prescribes under its clause 5 (c) and 5(e) only as contrasted with aforesaid clause 19.5(c) and 19.5(e) of the 1st Bipartite Settlement, though both charges of misconducts are virtually replica to each other.

It appears to be inconroversial that no enquiry was held into the charges against the workman for his misconducts on the ground of his plea of guilt in his reply (Ext. W. 3) as provided under clause 12 (e) (ii) of the Bipartite Settlement dt. 10.04.2002. The sub-clause (iii) of aforesaid clause prescribes as such:

"The misconduct is such that even if proved the bank does not intend to award the punishment of discharge or dismissal."

It relates to gross misconduct under its clause 5 whereas the sub-clause (f) of the aforesaid clause 12 of the BPS likewise provides for 'An enquiry need not be held if the employee is charged with minor misconduct and the punishment proposed to be given is warning or censor but subject to rule of natural justice'. There appears no doubt that the clauses 5 and 7 of the BSP deal with "gross misconduct" and 'minor misconduct' respectively.

The evaluation of the materials explicitly reveals, as I find, as under:

- (I) The instant chargesheet (Ext. W. 2) issued by the Chief Manager/Disciplinary Authority is without any statement of specific allegations, *i.e.*, all necessary particulars and details so as to give the chargesheeted employee reasonable opportunity of setting up his defence.

The cause 12 (a) of the BPS concerned lays down:—

"An employee against whom disciplinary action is proposed or likely to be taken shall be given a chargesheet clearly setting forth the circumstances against him ..."

In the absence of details in a 'statement of allegations', the Hon'ble Supreme Court has been pleased to hold in the case of *Surath Chandra Chakraborty Vs. State of West Bengal*, (1970) 3 SCC 548: AIR 1971 SC 752, that the appellant was denied a proper and reasonable opportunity of defending himself by reason of the charges being altogether vague and indefinite and the statement of allegations containing the materials and particulars not have been supplied to him. In the state of the aforesaid affairs/matters, suppose a complaint is based on 'insubordination' of an employee the chargesheet must clearly furnish to the employee the actual act of insubordination on his part, the particular officer or Superior against whom it was used, the date, time and place where the act is alleged to have been committed and in whose presence. The chargesheet in absence of the aforesaid actual facts of insubordination was held to be vague in the case of *State V. Saligram*, AIR 1960 All 543 (DB). Similar view was taken by the Hon'ble High Court of Judicature at Kolkata in the case of *Steel Authority of India Ltd., V. Ujjal Kumar*, 1980[I] CLR 676 (Cal HC) that a chargesheet which does not contain the allegation intended to be proved, is defective and disciplinary action can not be sustained.

(II) So far as the plea of alleged acceptance of the guilt by the workman is concerned, it is an acknowledged fact that the entire enquiry proceeding up to imposition of warning penalty upon the workman is totally based on his alleged acceptance of his guilt (Ext. W.3) as also contemplated by the OP/Management in the petition of the workman dt. 01.09.2010 to the Chief Manager (Ext. M.1) as well. Out of the both the petitions of the workman, the latter petition relates to his prayer for revocation of his suspension with his again apology, but both the petitions of the workman relate to his apologies to all the authorities/Manager for a disregard/unusual behaviour, if any. His first application for apology (Ext. W.3) clearly manifests "any disregard, if any, committed under his improper mental condition or harassment. It clearly reflects his act was not deliberate, if any. In the instant case as the charge sheet so

the alleged apology of the workman for his alleged misconduct is vague. It can not be denied that the apology must never be conditional in the quasi judicial proceedings. Rather it warrants free from coercion, undue influence as well as pressure. Under these circumstances it can not be taken the conditional vague apology of the workman as acceptance of his guilt, which may not be the basis for his imposition of warning penalty over his vague unproved misconduct.

9. In view of the aforesaid findings, it is hereby, in the terms of the Reference, awarded that the action of the Management of Punjab National Bank, Gaya was totally erroneous and illegal in imposing a minor penalty of warning upon workman Jai Prakash for loose minor misconduct, if any, without holding a proper enquiry and on the basis of letter of apology only and without acceptance of guilt, for which he was charged with. Hence, the remedy available to the workman is that he is entitled to the payment of his full wages and allowances with other due privileges during the relevant period of his suspension.

KISHORIRAM, Presiding Officer

नई दिल्ली, 12 जून, 2015

**का.आ. 1236.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युनिटड कोमरशल बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ सं. 201/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 12.06.2015 को प्राप्त हुआ था।

[सं एल- 12011/72/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 12th June, 2015

**S.O. 1236.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 201/2000) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of United Commercial Bank and their workmen, received by the Central Government on 12/06/2015.

[No. L-12011/72/2000 - IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the Matter of a Reference U/s 10(1) (D) (2A)  
of I.D. Act, 1947

**REF. No. 201 of 2000**

**Parties :**

Employers in relation to the management of  
UCO Bank Giridih

**AND**

Their workman

**Present :**

Sri Ranjan Kumar Saran, Presiding Officer

**APPEARANCES:**

For the Employers : Sri D.K. Verma, Advocate

For the workman : Sri D. Mukherjee, Advocate

State : Jharkahnd Industry : Banking

Dated 11/9/2014

**AWARD**

By Order No. L-12011/72/2000-IR (B-II), dated 17.07.2000, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

"whether the action of the management of United commercial Bank, Giridih in terminating the services of S/Shri Rewti Kant Karki, Rajesh Kumar and Manoj Kumar is justified? If not, to what relief the concerned workmen are entitled?"

2. The Reference case is received from the Ministry of Labour on 02.08.2000. After notice both parties appeared, the workman files written statement on 09.01.2001, and the management files their written statement on 06.09.2001. Thereafter rejoinder and document by the workman filed. The management also files their document.

3. The short point involved in this case is that the workmen was working as daily wager workman/sweeper under the UCO Bank management. He worked continuously, and bank vouchers payment were given to workman, which are filed.

4. When they prayed for regularization, they are asked by the management not to come for work.

5. As per certificate of the Branch Manager, those workers are engaged in the Giridih Branch continuously, as such, without any cause or without any notice they were asked not to render service in Bank.

6. Considering the facts and circumstance of this case, I hold that the action of the management of UCO Bank in refusing the service of Shri Rewti Kant Karki, Rajesh Kumar and Manoj Kumar is not justified. Hence it is ordered, that

they will be engaged as daily wager as they were working as such in any where or any branch.

This is my award.

R.K. SARAN, Presiding Officer

नई दिल्ली, 12 जून, 2015

**का.आ. 1237.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 48/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 12/06/2015 को प्राप्त हुआ था।

[सं एल-12012/67/2007 - आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 12th June, 2015

**S.O. 1237.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2007) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 12/06/2015.

[No. L-12012/67/2007 - IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, BHUBANESWAR**

**Present :** Shri Pradeep Kumar,  
Presiding Officer,  
C.G.I.T.-cum-Labour Court,  
Bhubaneswar.

**INDUSTRIAL DISPUTE CASE NO. 48/2007**

L-12012/67/2007-IR(B.II), dated 28.11.2007

**Date of Passing Award-11th Day of December, 2014**

**BETWEEN:**

The Branch Manager,  
Bank of India, 129, Ashok Nagar,  
Bhubaneswar, Odisha

... 1st party-Management

**AND**

Shri Pradeep Kumar Jena,  
At-Bhubanpur, PO-Balianta,  
Dist-Khurda, Odisha

... 2nd Party-Workman

**APPEARANCES:**

- |         |     |                              |
|---------|-----|------------------------------|
| 1. None | ... | For the 1st Party-Management |
| 2. None | ... | For the 2nd Party-Workman    |

**AWARD**

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employers in relation to the Management of the Branch Manager, Bank of India, 129, Ashok Nagar, Bhubaneswar, Odisha, and their workman Shri Pradeep Kumar Jena in exercise of the powers conferred under clause (d) of sub-section (1) and sub-section 2 (A) of section 10 of the Industrial Disputes Act *vide* their Letter No. L-12012/67/2007-IR(B.II), dated 28.11.2007 to this Tribunal for adjudication. The dispute as referred to has been mentioned under the schedule of the letter of reference which is quoted below :

"Whether the alleged termination of Shri Pradeep Kumar Jena, Ex-Sweeper-cum-Peon by the management of Bank of India *w.e.f.* 25.08.2003 is legal and/or justified? If not, to what relief the workman is entitled?

2. The 2nd party workman (hereinafter referred to as "2nd party") has filed his Statement of Claim and rejoinder in which he has stated that he was engaged as a Sweeper-cum-Peon in the Bank of India, Ashok Nagar Branch on 10.07.1999 and continued there till 25.04.2003 and on 26.03.2003 he was deputed to the Reserve Bank of India (in short "RBI") as a Mazdoor. He was issued with an identity card by the Personal Chief General Manager/currency officer of the RBI which was countersigned by the Bank of India authority/officer. He joined in the RBI, Bhubaneswar as a mazdoor on 27.03.2003 and continued till 25.08.2003. On 26.08.2003, the Bank of India management suddenly disallowed him to resume his duties in the Bank of India and thereby terminated his services without any valid reason even after completion of more than 04 (four) years of continuous services in the bank. He has to look after his old parents who are his dependants. Since, the 2nd party has become overaged, he is not able to seek normal employment anywhere else. Due to his disengagement by the bank illegally, he is seriously prejudiced and facing irreparable hardships.

3. The 2nd party took the shelter of the Assistant Labour Commissioner (Central), Bhubaneswar [in short ALC(C)] for the redressal of his grievance. Both himself and the bank management appeared before the ALC(C) on different dates and took part in the conciliation proceedings for an amicable settlement of the matter. But on failure of the same, the matter was referred to the appropriate government and hence this dispute. The 2nd party couldnot participate properly in the day to day proceedings of the matter in this Tribunal and finally he prayed for

withdrawal of this case by filing an affidavit due to his serious financial problems and did not appear on the further dates of the proceedings thereafter. In support of his claim, the 2nd party has filed certain documents. The 2nd party has prayed for his re-engagement under the 1st party, regularization of his services as a peon under the 1st party and payment of arrear salary/wages to him with effect from 25.08.2003.

4. The 1st Party Management (herein after referred to as "the 1st party") on the other hand has filed his Written Statement and stated that the 2nd party workman was never engaged by them in the bank. The identity card pressed by the 2nd party in support of proof of his engagement by the 1st party is a forged and fabricated one as the 1st party has never issued such identity card to the 2nd party. Since the 1st party has never engaged the 2nd party, there existed no employer and employee relationship between them. The case of the 2nd party is liable to be dismissed for non-joinder and mis-joinder of parties. Since, there was no employer and employee relationships between the 1st party and the 2nd party, the question of termination of services of the 2nd party doesnot arise. The 1st party also termed the claim of the 2nd party as absolutely imaginary, false and baselles. The 1st party has not relied upon any document. The 1st party prayed to dismiss the case.

5. On perusal of the record and the pleadings of the parties following issues were framed:

- (1) "Whether the reference is maintainable in view of the fact that no relationship of employer and employee exists between the 1st party Management and the 2nd party Workman?
- (2) Whether the reference is bad for non-joinder and mis-joinder of parties?
- (3) Whether the alleged termination of Shri Pradeep Kumar Jena, Ex-Sweeper-cum-Peon by the management of Bank of India with effect from 25.08.2003 is legal and/or justified?
- (4) If not, to what relief, is the workman is entitled?

**FINDINGS****Issue No. 1**

6. The 1st Party during the conciliation proceedings before the ALC(C), Bhubaneswar has admitted the fact that the identity card was issued to the 2nd party for his engagement as mazdoor in the RBI, Bhubaneswar, which clearly shows the relationship of employer and employee between the 1st party and the 2nd party. Because, unless the 2nd party is in employment under the bank no such identity card can be issued. Accordingly, the reference is maintainable. Thus, issue No. 1 is answered in negative against the 1st party.

**Issue No. 2**

7. The contention of the 1st party to treat the reference bad in the eye of law die to the reason for non-joinder and mis-joinder of parties is not sustainable under law. Since, the 2nd party was under the employment in the Bank of India, Ashok Nagar Branch, Bhubaneswar, he is justified in raising his dispute before the ALC(C) to redress his grievance and upon failure of the conciliation proceedings of the ALC(C), the matter was referred to the appropriate Government for consideration. The appropriate Government also rightly refer the matter to this Tribunal for adjudication arraying the necessary parties to the dispute. Accordingly, this issue also answered in negative against the 1st party.

**Issue No. 3**

8. Since the 2nd party was engaged by the 1st party, the 1st party should have issued notice to the 2nd party for the termination of his services and pay him the usual compensation as applicable to him under the Industrial Disputes Act, 1947 (shortly "the Act"). But, it seems the 1st party has not complied the provisions of the Act before terminating the services of the disputant 2nd party. Hence, the 1st party is not justified in terminating the services of the 2nd party illegally with effect from 25.08.2003?

**Issue No. 4**

9. The 2nd party couldnot make out his case either through adducing oral evidence or by proving any documentary evidence. Aslo, the 2nd party couldnot avail the proper assistance of law and in the meanwhile he has prayed through an affidavit for withdrawal of the case. Hence, without the proof any fact, the stand taken by the 2nd party cannot be believed and accordingly no order can be passed granting relief to the 2nd party. However, since the 2nd party was employed under the 1st party and the 1st party has never raised any complaint against the 2nd party or witnessed any indiscipline attitude of the 2nd party during his engagement, the 1st party should consider the case of the 2nd party for his accomodation as per his eligibility, if any furture vacancy arises in the bank.

10. The reference is answered accordingly against the 2nd party workman.

Dictated and corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 12 जून, 2015

**का.आ. 1238.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय-1, धनबाद के पंचाट (संदर्भ सं. 75/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 12/06/2015 को प्राप्त हुआ था।

[सं एल-12011/54/2006-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 12th June, 2015

**S.O. 1238.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 12.06.2015.

[No.L-12011/54/2006-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947.

**REFERENCE NO. 75/2006**

**Parties** : Employer in relation to the management of Punjab National Bank, Bhagalpur

**AND**

Their workmen.

**Present** : Sri R.K. Saran,  
Presiding Officer

**APPEARANCES:**

For the Employers : None

For the workman : Sri D. Mukherjee, Advocate.

State : Bihar Industry : Banking

Dated 13/10/2014

**AWARD**

By order No. L-12011/54/2006-IR (B-II) dated 07/08/2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrtrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

"Whether the action of the management of Punjab National Bank, B.O. Bhagalpur in terminating the service of Shri Arun Roy, temporary water man, sub-staff Bhagalpur branch is legal and or justified? If not, what relief Shri Arun Roy is entitled to?"

2. The case is received from the Ministry of Labour on 15.09.2006. After notice both parties appeared. The workman files their written statement on 26.12.2007. The Management files written statement on 31.03.2009. The workman files one document *i.e.* I.D. Card of Bank which is marked as W-1.

3. The short point that is involved in this case is as to whether the workman who was a sub-staff as waterman was terminated illegally and to be reinstated or not.

4. Parties file Written statement and the workman files his identity Card. The question is the workman has stated that he has been working since long as waterman as sub-staff and subsequently has been illegally asked not to come for work in the bank. Same is denied by the management in the written statement. But the workman has not specifically stated that he completed 240 days in a calendar year, prior to termination, except the identity card. He has not filed any payment voucher to show that he worked continuously for 240 days or more in any calendar years.

5. The Bank management neither appeared not contested the case. They even did not dispute the photocopy of identity Card issued by the Bank. Therefore it is held that the workman be taken as casual waterman or daily wagger as and when required by the bank management.

This is my award.

R.K. SARAN, Presiding Officer

नई दिल्ली, 15 जून, 2015

**का.आ. 1239.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मिनिस्ट्री ऑफ डिफेन्स एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं० 233/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/06/2015 को प्राप्त हुआ था।

[सं० एल-13011/06/2011-आई आर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 15th June, 2015

**S.O. 1239.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 233/2012) of the Central Government Industrial Tribunal-cum-Labour Court, No II, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Ministry of Defence & Others and their workmen, which was received by the Central Government on 15/06/2015.

[No.L-13011/06/2011-IR(DU)]

P. K. VENUGOPAL, Desk Officer

## ANNEXURE

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present** : Sri Kewal Krishan,  
Presiding Officer

**Case No. I.D. No.233/2012**

Registered on 24.2.2012

Jammu Cantonment Board Employees Union, Satwari,  
(J&K), Jammu.

.... Petitioner

Versus

1. The Secretary, Union of India, Ministry of Defence, South Block, New Delhi.
2. The Director General, Defence Estates, Government of India, Ministry of Defence Palam Road, Delhi.
3. The Principal Director, Defence Estates, Western Command, Kendriya Sadan, Chandigarh.
4. The Chief Executive Officer, Cantonment Board Officer, Jammu Cantt. Jammu.
5. The GOC-In-C Western Command, HQ, Chandigarh.

...Respondents

## APPEARANCES

For the workman Ex parte.

For the Management Ex parte.

## AWARD

Passed on 13.5.2015

Central Government *vide* Notification No. L-13011/06/2011 [IR(DU)] Dated 7.2.2012, by exercising its powers under Section 10, Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the management of Chief Executive Officer Cantonment Board, Jammu in not releasing the payment of arrears on account of 6th Pay Commission is justified? What relief the workmen are entitled to?"

In response to the notice, the Union filed statement of claim pleading that as per settlement between the Cantonment Boards of India and the workmen of the Board, the employees of the Cantonment Board are to get pay and allowances at par with the State Government employees existing in the respective States. 6th Pay Commission was

announced by the Central Government and the same was implemented by the State of Jammu and Kashmir *vide* letter dated 15.4.2009. The Cantonment Board employees are also eligible for the same pay and allowances as are given to the State employees but they were not paid the arrears despite sanction of funds by the Central Government and the sanction by the GOC-in-C, Western Command. That the respondents be directed that whenever there is any revision of pay and allowances, the same should be released to the employees of the Cantonment Board.

Respondent management filed written reply pleading that the 6th Pay Commission has been implemented in the State of J&K. However the arrears were not paid by the State of J&K to its employees and the Board has also not paid arrears to the claimants. That the fund will be released when the State Government will pay the arrears to its employees and the claimants have no cause of action.

Employees-Union was proceeded against *ex-parte vide* order dated 23.5.2014.

Management-Board filed affidavit of Sh. Deepak Mohan.

Respondent Management was proceeded against *ex-parte vide* order dated 20.3.2015.

It is admitted fact that the pay and allowances were refused by the 6th Pay Commission and as per statement of claim the same was implemented. It is again the case of the claimants that employees of the Cantonment Board were to get pay and allowances at par with the State Government employees of the respective States. It is the stand of the respondent management that the State of J&K has not paid the arrears and it would pay the arrears as and when the same are released by the State Government to its employees. No evidence has come on the file on behalf of the Workers Union that the State Government has released the arrears of pay to its employees. In fact that the Worker Union has not led any evidence whatsoever in support of its case and therefore it cannot be said that action of the management in not releasing the payment of arrears on account of 6th Pay Commission is not justified or illegal.

In result, the reference is accordingly answered holding that the Employees Union is not entitled to any relief. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 15 जून, 2015

**का.आ. 1240.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जवाहर नवोदय विद्यालय, मंडी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, चंडीगढ़ के पंचाट (संदर्भ सं० 39/

2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/06/2015 को प्राप्त हुआ था।

[सं० एल-42012/40/2010-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 15th June, 2015

**S.O. 1240.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 39/2010) of the Central Government Industrial Tribunal-Cum-Labour Court No. II. Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Jawahar Navodaya Vidyalaya, Mandi and their workman, which was received by the Central Government on 15/6/2015.

[No. L-42012/40/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

#### Present :

Sri Kewal Krishan, Presiding Officer

**CASE NO. I.D. NO. 39/2010**

REGISTERED ON 17.6.2010

Sh. Kamal Dev, S/o Sh. Kishan Chand, resident of Village: Raipur Maidan (Androli), Post Office: Raipur Maidan, Tehsil: Bagana, Distt. Una (HP).

... Petitioner

#### Versus

1. The Principal, Jawahar Navodaya Vidyalaya, Pandoh, Mandi, Distt. Mandi (HP).

... Respondents

#### APPEARANCES

For the workman

Sh. Arun Batra, Adv.

For the Management

Sh. Kailash Sharma, Adv.

#### AWARD

Passed on 28.5.2015

Central Government *vide* Notification No. L-42012/40/2010 IR (DU) Dated 31.5.2010, by exercising its powers under Section 10 Sub-Section (1) Clause (d) and Sub-Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the management of Principal, Jawahar Novodaya Vidyalaya, in terminating the service of Sh. Kamal Dev with effect from 31.5.2008 is legal and justified? if not, what relief the workman is entitled to?"

In response to the notice, the workman appeared and filed statement of claim pleading that he was working as Lower Division Clerk on daily wage basis by the respondent w.e.f. 7.9.2007. His services were terminated on 31.5.2008 without serving him any notice or payment of any compensation. That he has worked for more than 240 days in a calendar year. That the post against which the petitioner was appointed was perennial in nature and the management appointed some other person in his place. That the termination is illegal and he be reinstated in service with back wages.

Respondent management filed written reply admitting that workman was working as LDC on daily wage basis and further pleaded that during summer vacations from 1.6.2008 the services of Contractual/part-time/daily paid workers were not required and the workman was also intimated in this respect on 31.5.2008. That the management has filled the vacancy of LDC by following the laid down procedure and the persons appointed has joined the duty. That there is no need to engage the services of the workman.

Parties were given opportunity to lead their evidence.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the stand as set out in the claim petition. He has also placed on record Experience Certificate Exhibit A2 and copy of the Attendance Register Exhibit A4.

On the other hand, the management has examined Sh. R.R. Tiwari, who filed his affidavit reiterating the stand of the management.

It was argued by the learned counsel for the workman that workman was employed as Lower Division Clerk on daily wage basis and he continuously worked from 7.9.2007 to 31.5.2008 and thus he worked for more than 240 days in a calendar year prior to the termination of his services. But he was not paid any compensation and was not issued any notice and therefore his termination is illegal. He has further argued that since his termination is illegal, he is entitled to be reinstated in service.

I have considered the contention of the learned counsel.

It is admitted case that the workman worked as Lower Division Clerk with the respondent management from 7.9.2007 to 31.5.2008 and there is a certificate Exhibit W1 issued by the management mentioning therein that the workman worked for the said period with 23 days breaks at

different times. Thus the workman worked continuously from 7.9.2007 to 31.5.2008 and days calculated comes to more than 240 days in a calendar year preceding the date of his termination. He was not served with any notice or was not paid retrenchment compensation which is in violation of the provision of Section 25F of the Act and therefore disengagement of his services is illegal.

Now the question is whether he is entitled to reinstatement in service. It is not disputed that the simply moved an application and on its basis he was engaged as LDC on daily wage basis. Thus, no procedure was followed while appointing him in service. As much as it is the respondent that a regular employee has been appointed on the post by following a laid down procedure. In *Secretary, State of Karnataka Vs. Uma Devi* reported in AIR 2006 S.C 1806, it was observed by the Apex Court that the employees who were not appointed by observing the regular procedure and rules are not entitled to regularization of their services. Since the workman was not appointed by following any procedure, he cannot claim reinstatement in service as much as a person has already been appointed there by following the procedure.

He is only entitled to be paid compensation. He did not mention his salary which he was getting during the employment. Since he worked for 8 month and 24 days, he is to be paid suitable compensation. Considering the totality of the circumstances, a sum of Rs.50000/- is adjudged as suitable compensation which he is entitled to get from the management.

In result, the reference is answered holding that the action of the management in terminating the services of the workman w.e.f. 31.5.2008 is not legal and workman is entitled to get Rs.50000/- as compensation from the management who shall pay to the workman within 2 months from the publication of the award failing which the workman will be entitled to get interest at the rate of 6 per cent per annum from the date of the award till realization. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 16 जून, 2015

**का.आ. 1241.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलिफोनेस के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कलकत्ता के पंचाट (संदर्भ सं० 06/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/06/2015 को प्राप्त हुआ था।

[सं० एल-40012/159/91-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th June, 2015

**S.O. 1241.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Ref. No. 06 of 1992) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of the Calcutta Telephone and their workmen, which was received by the Central Government on 15/06/2015.

[No.L-40012/159/91-IR (DU)]

P.K. VENUGOPAL, Desk Officer

# ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

### Reference No. 06 of 1992

**Parties :** Employers in relation to the management  
of Calcutta Telephones

**AND**

Their workmen.

### Present :

Justice Dipak Saha Ray, Presiding Officer

### APPEARANCE:

On behalf of the : Mr. Tapas Chowdhury,  
Management Ld. Counsel.

On behalf of the : Mr. Gopal Chandra Chakraborty,  
Workmen Ld. Counsel.

State : West Bengal. Industry : Telephones.

Dated : 3rd June, 2015

### AWARD

By Order No. L-40012/159/91-IR(DU) dated 24.02.1992 and Corrigendum of even number dated 15.09.2005 the Government of India, Ministry of Labour in exercise of its power under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Telephones, Deptt. of Telecommunication, Taher Mansion, 8 Bentick Street, Calcutta-1 in terminating the services of Shri Budhadeb Das, casual workman, *w.e.f.* 13.10.1985 is justified? If not, what relief he is entitled to?"

2. The relevant facts of the case of the concerned workman are, in a nutshell, as follows:—

The concerned workman was appointed by the Calcutta Telephones (hereinafter referred to as management)

as a casual labour against payment vacancy for doing various jobs which were being done by the regular staff of the Department. It is further contended that the concerned workman performed his duties as Peon of the office for about 237 days. He had also worked in other department and total period of service was 299 days. It is alleged by the concerned workman that on 13.10.1985 when he was getting wages @ Rs. 15/- per day, his service was terminated without assigning any reason. It is also alleged that no notice was served upon him before termination of service and no compensation was given to him as per the provision of the Industrial Disputes Act. It is contended that his requests for reinstatement in service yielded no result and accordingly he raised industrial dispute. Hence his reference.

3. On the other hand, the management has opposed the claim of the workman by filing written statement contending *inter alia* that the workman was never appointed by the management against permanent vacancy; but due to exigencies of work he was engaged as casual workman for doing specific job. The management has also contended that the workman never performed his duties either 237 days or 299 days. It is alleged that the workman was terminated after completion of the specific work for which he was engaged and as such the concerned workman is not entitled to get any compensation as per the provisions of Section 25B of the Industrial Dispute Act, 1947. It is accordingly prayed that the instant reference may be answered in the affirmative.

4. Now, on careful perusal of the record it appears that during pendency of this case the concerned workman died leaving his wife and one minor child. But it is curious to note that only wife of the deceased was substituted.

5. It further appears that the witness (who is the concerned workman) died before his cross-examination and as such the management has got no opportunity to cross-examination the witness. So it appears that the evidence of this witness and the documents marked Exhibits W-01, W-02 and W-03 (proved by this witness), cannot be considered for adjudication of this case. It is very surprising to note that the substituted party has also not attempted to examine any witness in support of the case. No attempt is also made to examine the person who submitted the report (Ext. W-01) or who issued the certificate (Ext. W-03). In such circumstances the said documents cannot be considered to adjudicate this case.

6. For ends of justice, if the contents of Ext. W-01 is taken into consideration even then the said document cannot establish that the workman worked 299 days during the period of twelve calendar months as the last paragraph of page 2 of Ext. W-01 discloses the statement/submission of the workman and not the findings of the Conciliation Officer.

7. So, it appears that there is no evidence either oral or documentary in this case to establish that the concerned workman was in continuous service as per the provision of Section 25B of the Act and that he was appointed as casual workman against permanent vacancy. Accordingly the workman is also not entitled to get any compensation under the provision of Section 25F of the Act.

8. Considering the above facts and circumstances and in view of the above discussion, the instant reference is answered in the affirmative and the concerned workman is not entitled to get any relief whatsoever.

Kolkata,  
The 3rd June, 2015

Justice DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 17 जून, 2015

**का.आ. 1242.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-ओणक्कूर, तालुक-मूवाट्टुपुझा, जिला-एरणाकुलम।

[सं० एस-38013/71/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1242.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Onakkur in Muvattupuzha Taluk, of Ernakulam District.

[No. S-38013/71/2015-SS. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1243.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के

रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-कोट्टप्पुरम, तालुक-कोल्लम, जिला-कोल्लम।

[सं० एस-38013/72/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1243.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Kottappuram in Kollam Taluk, of Kollam District.

[No. S-38013/72/2015-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1244.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

रेवेन्यु विल्लेज-मण्ड्रोतुरुत्त, तालुक-कोल्लम, जिला-कोल्लम।

[सं० एस-38013/73/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1244.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Manrothuruth in Kollam Taluk, of Kollam District.

[No. S-38013/73/2015-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली 17 जून, 2015

**का.आ. 1245.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य ने निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवन्यु विल्लेज-कुम्मिल, तालुक-कोट्टारक्करा, जिला-कोल्लम।

[सं० एस-38013/74/2015-एस०एस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1245.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Kummil in Kottarakkara Taluk, of Kollam District.

[No. S-38013/74/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली 17 जून, 2015

**का.आ. 1246.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवन्यु विल्लेज-पट्टाषी वडक्कु, तालुक-पत्तनापुरम, जिला-कोल्लम।

[सं० एस-38013/75/2015-एस०एस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1246.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Pattazhy Vadakku in Pathanapuram Taluk, of Kollam District.

[No. S-38013/75/2015-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली 17 जून, 2015

**का.आ. 1247.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवन्यु विल्लेज-पिरवंतूर, तालुक-पत्तनापुरम, जिला-कोल्लम।

[सं० एस-38013/76/2015-एस०एस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1247.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Piravanthur in Pathanapuram Taluk, of Kollam District.

[No. S-38013/76/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली 17 जून, 2015

**का.आ. 1248.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के

रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवन्यु विल्लेज-वालक्कोड, तालुक-पत्तनापुरम, जिला-कोल्लम।

[सं० एस-38013/77/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1248.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Valackode in Pathanapuram Taluk, of Kollam District.

[No. S-38013/77/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1249.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवन्यु विल्लेज-तृप्पेरुमतारा, तालुक-मावेलिककरा, जिला-आलप्पुषा।

[सं० एस-38013/78/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1249.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Thriperumthara in Mavelikkara Taluk, of Alapuzha District.

[No. S-38013/78/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1250.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले से प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-वेट्टियार, तालुक-मावेलिककरा, जिला-आलप्पुषा।

[सं० एस-38013/79/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1250.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Vettiayar in Mavelikkara Taluk, of Alapuzha District.

[No. S-38013/79/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1251.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले से प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-आला, तालुक-चेंगन्नूर, जिला-आलप्पुषा।

[सं० एस-38013/80/2015-एसएस I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1251.**—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which

have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Ala in Chengannur Taluk, of Alapuzha District.

[No. S-38013/80/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1252.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले से प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

रेवेन्यु विल्लेज-चेरियनाड तालुक-चेंगन्नूर, जिला-आलप्पुषा।

[सं० एस-38013/81/2015-एसएस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1252.**—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Cheriyanad in Chengannur Taluk, of Alapuzha District.

[No. S-38013/81/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1253.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले से प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-उलियथतुरा, तालुक-तिरुवनंतपुरम, जिला-तिरुवनंतपुरम।

[सं० एस-38013/82/2015-एसएस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1253.**—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Uliyazhathura in Thiruvananthapuram Taluk, of Thiruvananthapuram District.

[No. S-38013/82/2015-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 17 जून, 2015

**का.आ. 1254.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले से प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

रेवेन्यु विल्लेज-अयिरूपपारा तालुक-तिरुवनंतपुरम, जिला-तिरुवनंतपुरम।

[सं० एस-38013/83/2015-एसएस० I]

अजय मलिक, अवर सचिव

New Delhi, the 17th June, 2015

**S.O. 1254.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st July, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely:—

Revenue Village of Ayirooppara in Thiruvananthapuram Taluk, of Thiruvananthapuram District.

[No. S-38013/83/2015-S.S.I]

AJAY MALIK, Under Secy.